## PLACER COUNTY HEALTH AND HUMAN SERVICES Placer/Sierra County Mental Health Plan Advance Health Care Directive

Adopted: 4/17/07 Revised: 12/21/07

## **POLICY**

It is the policy of the Placer/Sierra County MHP to provide written information and community resources concerning Advance Health Care Directives (AHCD) to all Adult (or emancipated minor) Medi-Cal beneficiaries at the time of, or prior to, the initial assessment for mental health services, and thereafter, upon request by the beneficiary. Additionally, if the individual has an executed Advance Health Care Directive, the MHP will offer to accept a copy. The existence of the AHCD will be documented in a prominent part of the chart. All copies of Advance Health Care Directives will be kept in the mental health record and the chart will be prominently flagged to alert staff of the existence of the AHCD.

[References: DMH Letter 04-08; Title 42, CFR, §422.128, 438.6(i)(1)(3], 489.100; CA Probate Code, §4600-4643, 4650-4660, 4665, 4670-4678, 4680-4690, 4695-4698, 4730-4736, 4740-4743.]

## **PURPOSE**

The purpose of this policy and procedure is to ensure that the Placer/Sierra County MHP complies with the state and federal regulations as referenced above concerning the requirement to provide all Adult Medi-Cal beneficiaries with current information explaining their rights under California state law regarding Advance Health Care Directives (AHCD). Additionally, the regulation requires the MHP to provide beneficiaries with current AHCD related resources and to note the existence of the AHCD in a prominent manner in the mental health record if it is offered by the beneficiary.

## **PROCEDURE**

- I. MHP staff shall provide a brochure regarding the Advance Health Care Directive either by hand or by mail at the time of, or prior to, the initial mental health assessment and thereafter upon request by the beneficiary. Each point of entry will have a procedure detailing this process.
  - A. Distribution of the AHCD brochure shall be documented on the form entitled "Distribution of Informational Materials," (CARE-124).
  - B. The brochure will include additional AHCD resources to assist the beneficiary with documenting their health care decisions.
  - C. The brochure shall inform the beneficiary that complaints concerning non-compliance with the advance health care directive requirements may be filed with the California Department of Health Services Licensing and Certification Dept.

- II. MHP staff shall ask the beneficiary if he/she has an Advance Health Care Directive or a Durable Power of Attorney for Health Care.
  - A. The beneficiary's response shall be documented on the *Distribution of Informational Materials* form (CARE-124).
    - 1. This form will be filed prominently in the beneficiary's mental health chart along with a copy of the AHCD, if provided by the client.
  - B. If the beneficiary states that an Advance Health Care Directive or a Durable Power of Attorney for Health Care exists, MHP staff will accept a copy of the AHCD for the mental health medical record.
- III. MHP staff shall emphasize that the existence or absence of a beneficiary's AHCD will not result in discrimination or interfere with the provision of mental health services.
- IV. If a client provides a complete, signed and witnessed original Advance Health Care Directive:
  - A. The original will be filed in the client's mental health chart.
  - B. The chart will be prominently flagged to alert staff of the existence of the AHCD.
- V. Informing materials regarding AHCD shall be maintained in compliance with existing California state law and shall be updated to reflect changes in state law within 90 days of the implementation of a change.